

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15623 of the 12th Street Christian Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 334 to establish a temporary community service center on the first and second floors in an R-4 District at premises 1201 T Street, N.W. (Square 274, Lot 821).

HEARING DATE: February 12, 1992
DECISION DATE: March 4, 1992

ORDER

SUMMARY OF EVIDENCE:

1. The property which is the subject of the application is located at 1201 T Street, N.W. It is situated on the northwest corner of 12th and T Streets N.W. It is zoned R-4.

2. The subject site is developed with a two-story rowhouse-type structure facing T Street N.W. and a two-story, one-room structure at the rear of the lot along 12th Street N.W. These two structures are connected by a deck that measures approximately ten feet in length. The property is owned by the 12th Street Christian Church which is located one-half block south of the subject property.

3. The property is currently used as a temporary community service center. However, there is no certificate of occupancy for the operation. The applicant is proposing to use the subject premises primarily as a food distribution center for people in need. The proposed facility would have a volunteer staff of approximately 14 individuals who would collect surplus food in bulk from a variety of sources, including the U.S. Department of Agriculture. Bulk food would be brought to the premises in small vans. The applicant anticipates that approximately five deliveries will be made to the site per week. The food will be distributed to families and individuals who come to the facility for assistance. The food will be distributed on Mondays, Wednesdays and Fridays between 10:00 a.m. and 3:00 p.m.

4. The applicant testified that the center will also provide clothing and household items to those in need.

5. The applicant testified that the operations will not have an adverse impact on the area. The applicant stated that parking will not be affected because parking spaces are usually available

on 12th Street. Furthermore, most of the clients walk to the facility or use public transportation.

6. The applicant stated that the center serves an average of 60 or 70 clients each day, and the need for these services is great in the community. The clients are not allowed to eat on the premises. Also, to control loitering and vagrancy, the applicant has contacted the Third District Police Department to have police arrest persons who loiter on the premises after closing hours.

7. The applicant stated that some of the center's volunteers live at the site to maintain security. This is a temporary arrangement, however, a more permanent arrangement will be worked out by the church trustees.

8. The applicant stated that it has the trash removed three times per week by InterCity Trash, Inc. The center also engages the services of a termite and pest control company on a monthly basis.

9. The applicant stated that there are no plans to make structural changes to the center; that the proposed use is reasonably necessary or convenient to the neighborhood in which it is located; and that the facility is not organized for profit, nor does any part of its net income inure to the benefit of any private shareholder or individual. The applicant expressed its willingness to operate for a three year period of time.

10. By report dated February 3, 1992 and through testimony at the hearing, the Office of Planning (OP) recommended conditional approval of the application. OP noted the physical characteristics of the subject property and the proposed use. OP noted that the character of the area in which the site is located is primarily residential. The area is developed mostly with two- and three-story residential rowhouses interspersed with apartment houses and churches. The R-4 District in which the property is located allows matter of right development of residential uses including semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and a maximum height limit of three stories/40 feet. Temporary community service centers are allowed with Board approval.

OP stated that the proposed food distribution service would be available to all persons in a certain income range who would travel to the subject premises to pick up food. It is anticipated that many of the clients would come from the surrounding neighborhood. The two-story, one-room structure at the rear of the property is used as a waiting room. The main rowhouse structure is used as an office and food collection, storage and distribution facility. OP stated that the need for this service has increased considerably in

the recent past. As a result, the existing facility served approximately 10,000 clients last year. The facility is visited by approximately 60 to 70 clients per service day.

OP stated that the proposed temporary community service center would continue to help to improve the social and economic well-being of the residents of the neighborhood and the city. The relief provided to the center's clients is particularly critical within the current social and economic climate. No structural changes to the existing structure are proposed. The facility would be operated on a not-for-profit basis. It is the Office of Planning's understanding that the facility has not created objectionable conditions in the area in the past. Accordingly, the Office of Planning recommends approval of the proposed temporary community service center for a period of three years, subject to the condition that it would provide food distribution services only on Mondays, Wednesdays and Fridays between the hours of 10:00 a.m. and 3:00 p.m.

11. By report dated December 19, 1991, the Metropolitan Police Department stated that the subject property is located in the Third District and is patrolled by Scout Car 95. Based on the department's review of the application, the proposed use will not affect the public safety in the immediate area or generate an increase in the level of police services now being provided. Accordingly, the police department does not oppose this application.

12. By report dated February 12, 1992, the Department of Public Works (DPW) addressed the impact of the proposed use on transportation. DPW stated that the applicant is not providing any off-street parking for staff or patrons. Parking on T Street N.W. is controlled by Residential Parking Permit (RPP). The applicant has stated that the food distribution center operation is a neighborhood operation; and the staff and patrons are neighborhood residents who walk to the facility. A site survey revealed that parking is near capacity level on the neighborhood streets during the Wholesale Food Distribution Center's hours of operation. However, it cannot be determined whether the center is generating parking in the neighborhood. DPW believes that the applicant's use of the premises may be having a transportation impact on the neighborhood. However, DPW believes that this transportation impact is minimal. Therefore, the department has no objection to the applicant's proposal.

13. Advisory Neighborhood Commission (ANC) 1B, which is automatically a party to the application, did not submit a written statement of issues and concerns related to the application. Further, no one representing ANC 1B appeared at the hearing to testify.

14. Several witnesses testified in support of the application. They stated that the services provided are badly needed and that the Christian Action Center meets the needs of the homeless, hungry, elderly, as well as mothers with children. They testified that trash is picked up and the applicant keeps the area around the facility clean. Also, the applicant works with the Third District Police Department to keep vagrancy and loitering down.

One neighbor testified that the Christian Action Center is a good neighbor, that she has never been bothered by anyone at the facility. She stated that they do not have a pest control problem at the site. Finally, she stated that the volunteers at the facility help her with her lawn, etc., and she makes donations whenever she can.

15. Two witnesses testified in opposition to the application. The first witness is the founder and co-chairman of the Anthony Bowen Block Council which represents the interests of residents and businesses located within the boundaries of S and U Streets, and 11th and 13th Streets N.W. He testified that the Block Council voted to oppose the application. He stated that while they support the type of facility proposed, they would prefer to have the facility operate from the church or the nearby commercial area rather than from a residential property. He stated that the subject property is a very small, two-story rowhouse, that is part of a strictly residential block. He testified that 4,000 people per month coming into any neighborhood will have an impact on that neighborhood. He requested that the Board deny the application to preserve the residential integrity of the neighborhood.

16. The other witness who testified in opposition to the application expressed views similar to those of the first opposing neighbor. In addition, he stated that he owns rental property in the neighborhood and he has received complaints from his tenants about noise, trash, and domestic violence at the subject site. He stated that the Christian Action Center authorized the police to arrest loiterers after the facility terminates service for the day. However, making arrests does not solve the problem. He stated that these problems are not likely if the property would be returned to residential use. This witness testified that the neighbors work hard in cooperation with the city to keep the streets and alleys clean. The proposed use will bring increased traffic and trash. He doesn't believe that the city has the services to handle the additional responsibility and that the proposed use will place an undue hardship on the neighbors who work hard to keep the area clean and quiet.

Finally, this witness testified that the neighborhood cannot afford to lose another residential property especially in light of

the most recent conversion of 1208 T Street, N.W. into a 35-bed detention center and the establishment of a Catholic workers home for the homeless - both within one block of the proposed site. He requested denial of the application.

The Board received several letters in support of and in opposition to the application.

FINDINGS OF FACT:

Based on the evidence of record the Board finds as follows:

1. The applicant plans to distribute food and other goods only three days per week.
2. The applicant has made adequate arrangements for trash removal, pest control, and for the control of vagrants.
3. The applicant will not allow clients to consume food on the premises.
4. The applicant will make more permanent arrangements to maintain security of the property.
5. The subject site has been used as a service center for 19 years.
6. Many of the center's clients come from the surrounding neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish a temporary community service center at property located in the R-4 District. Granting a special exception requires a showing through substantial evidence that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Map and that the use will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 334 of the Zoning Regulations.

The Board concludes that the applicant has met the burden of proof. The Board concludes that the applicant proposes to operate the facility so as not to be objectionable due to noise or other objectionable conditions. The applicant will not make structural changes to the property. The proposed use is reasonably necessary and convenient to the neighborhood in which it is located. The Board concludes that the center will not operate for profit, and no

part of the center's income will inure to the benefit of any private shareholder or individual. The applicant has agreed to limit operation of the center to a three year period of time.

The Board acknowledges the view of the opponents that the applicant should not be permitted to remove a residentially zoned structure from the housing stock in an area that is primarily residential. The Board notes, however, that this application is for a special exception, not a use variance. Uses permitted as a special exception are deemed compatible with surrounding uses, provided that the regulations governing that use are met. The Board has determined that the provisions of Section 334, governing temporary community service centers, have been met. The Board is also of the view that the requirements of 3108.1 have also been met, that this application can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board also concludes that the granting of the requested relief will not tend to adversely affect the use of neighboring property.

In the Board's view, the use of the subject property as a service center for the past 19 years, weakens the opponents' argument that a residential property would be lost from the housing stock if the application is approved.

In light of the foregoing, the Board **ORDERS** that the application is hereby **GRANTED, SUBJECT** to the following **CONDITIONS**:

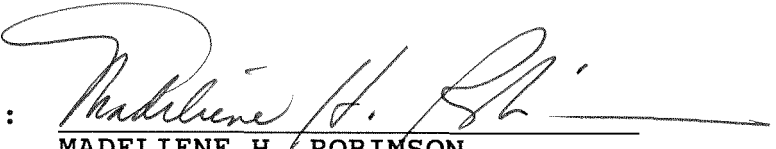
1. Approval shall be for a period of **THREE YEARS**.
2. The hours of operation shall be between 10:00 a.m. and 6:00 p.m. on Monday through Friday. The distribution of food shall be limited to the hours of 10:00 a.m. to 3:00 p.m. on Monday, Wednesday and Friday.
3. A caretaker shall be provided at the subject premises to monitor the facility and to ensure adequate maintenance of the site and surrounding area.
4. The number of volunteers at the premises at any given time shall not exceed 14.

VOTE: 3-0 (Sheri M. Pruitt and Carrie L. Thornhill to grant; Angel F. Clarens to grant by absentee vote; Tersh Boasberg not present, not voting; Paula L. Jewell not voting, not having heard the case).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

NOV 30 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15623Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15623

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 30 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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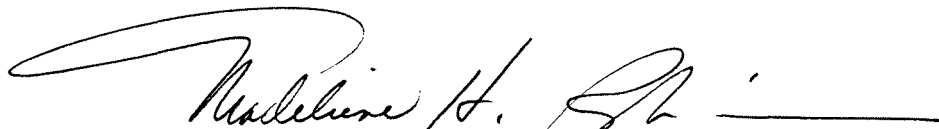
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MADELIENE H. ROBINSON
Director

DATE: NOV 30 1993

15623Att/bhs